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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Appellants: **Bhaskarpillai Gopinath**
Dinesh Kashinath Anvekar
Rajiv Mangla
Sridhar Sundaram

Case: **P50**

Serial No. **10/027,572**

Filed: **December 20, 2001**

Group Art Unit: **2683**

Examiner: **Meless N. Zewdu**

Title of Invention: **METHOD AND SYSTEM FOR SHORT MESSAGE SERVICE EXCHANGE AND TELECONFERENCING**

THE COMMISSIONER OF PATENTS AND TRADEMARKS

SIR:

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION – 37 CFR 192)

Transmitted herewith in triplicate is the Appeal Brief in this application with respect to the Notice of Appeal filed on **June 13, 2005**.

This application is on behalf of a small entity.

Pursuant to 37 CRF 1.27, the fee for filing the Appeal Brief is **$250.00**. An authorization for credit card payment (PTO-2038) in the amount of **$250.00** is enclosed. If any additional charge and/or fee are required, this is a request therefore to charge Deposit Account No. **13-3083**. A duplicate of this transmittal letter is attached.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. The Applicants/Appellants believe no extension of time is required. In the event the Applicants/Appellants are mistaken and an extension of time is required, the Applicants/Appellants respectfully petition for the requisite extension of time. This

conditional petition is now being made to provide for the possibility that the Applicants/Appellants have inadvertently overlooked the need for a petition and fee for the extension of time. The Commissioner is authorized to charge the cost of the extension, if any, to Deposit Account No. **13-3083**.

Respectfully submitted,

John T. Peoples

John T. Peoples, Attorney Acting under 37 CFR 1.34
(Reg. No. 28,250)

Date: 7-11-05

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THE COMMISSIONER OF PATENTS AND TRADEMARKS

SIR:

APPEAL BRIEF

This Appeal is filed pursuant to 37 CFR 1.192. The Appellants filed a Notice of Appeal on **June 13, 2005** in response to the FINAL Office action dated **March 15, 2005**.

(1) **Real Party in interest:** Appellants, as above.

(2) **Related appeals and interferences:** None

(3) **Status of Claims**

This application was filed with nineteen (19) claims, which are pending claims 1-19. The Examiner finally rejected all pending claims 1-19. The Appellants appeal all pending claims 1-19.

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(4) **Status of the amendments**

An amendment, dated **October 21, 2004**, was filed in response to a **non-final** Office action of **July 29, 2004** in which:

(A) (i) all pending claims were **rejected** under 35 U.S.C. 102(b) as being anticipated by Alperovich et al., (WO 99/57927 and commensurate U.S. Patent No. 6,175,743 -- hereinafter **Alperovich**); and

(ii) arguments were presented by the Appellants as to why the claims, as amended, distinguished from the cited references, taken singly or in combination.

(B) (i) claims 1, 2, 7 and 14 were **rejected** under 35 U.S.C. 112 because a recitation in each claim lacked antecedent basis; and

(ii) the Appellants corrected the lack of antecedent basis in the cited claims.

In the **FINAL** Office action, dated **March 15, 2005**, the rejection of all pending claims was maintained by the Examiner. In particular:

(a) claims 1-18 were **rejected** under 35 U.S.C. 103(a) as being unpatentable over **Alperovich** in view of a *newly-introduced* reference, namely, Lehto et al. (US 20020177455 A1 -- hereinafter **Lehto**); and

(b) claim 19 was **rejected** under 35 U.S.C. 102(b) as being anticipated by **Alperovich**.

(5) Summary of Invention

The Appellants disclose and claim a methodology that, in one manifestation, *converts* a non-standard Short Message Service (SMS) message, generated by an originator of the message, into a standard SMS message for propagation over a conventional SMS system. The conversion utilizes the combined processing of (i) a keyword field in the non-standard SMS message and (ii) data pre-stored into a database by the originator. The standard SMS message results from the combined processing. The standard SMS message is then propagated over the SMS system to a receiver. Moreover, the receiver is standard, that is, it does not require any new application software.

The high-level block diagram of the attached FIG. A crystallizes the discussion of the foregoing paragraph. In FIG. A, originator/user A100 first fills database A130 with user-specific data (e.g., a specific e-mail address *gopi@isp.com*). Then, at some later time, user A100 creates a non-standard SMS message (A110), having a **value-added field**, (e.g., keyword field <myemail> denoted by delimiters < · >) which is to be converted to a standard SMS message (A140) for propagation over the conventional SMS system. The conversion process, that is, the **value-addition service,** is accomplished via Value-Addition Processor A120 which has two inputs, namely, the value-added field and the pre-stored user data in database A130 (e.g., the resultant standard SMS message now contains *gopi@isp.com* substituted for <myemail>).

This manifestation of the inventive subject matter is one wherein the **value-added service** is characterized by a "conversion" or "substitution". In other manifestations, as exemplified in the sequel, the **value-added service** is characterized by, illustratively: (i) verification/confirmation; (ii) scheduling; (iii) initiating; (iv) terminating; and/or (v) billing. For instance, the combination of the above items ((i)-(iv)) realizes a basic teleconference call. A given **value-added field** triggers a request for a multi-faceted **value-added service**, so that the **value-added field** can convey one or more pieces of data depending upon the **value-added service** so desired by the originator. For example, the combination of verification, scheduling, initiating and terminating a teleconference call is referred to in the specification as "instantiating" a teleconference. Note that the Appellants have deliberately and carefully chosen the gerund "instantiating" to mean the generation, i.e., instantiation, of a specific instance of a generic **value-added service** based upon the data conveyed by the **value-added field.** Accordingly, to produce each specific instance, data pre-stored in the database is selected with reference to the **value-added field.**

With respect to more complex manifestations of the inventive subject matter, consider one **value-added service** required for a teleconference conveyed by a **value-added field** of an SMS message pertinent to the teleconference call. The high-level block diagram of the attached FIG. B elucidates the principles. In FIG. B, user B100 first fills database B130 with user-specific data (e.g., a member identifier (ID) and an member name corresponding to the ID for each subscriber to the teleconference service). Then, at some later time, user B100 creates a SMS message (B110), having a **value-added field**, (e.g., "TC (Teleconference Call), DT (Date), DR (Duration), CP (Chair Person), ...M

(Member), ..., CC (Credit Card of CP), ...") that is, among other actions, to be tested for the validity of the Chair Person plus other listed Members as being registered participants in order to legitimately participate in the teleconference call. The verification process, that is, the **value-added service**, is accomplished via Value-Addition Processor B120 which has access to two data information sources, namely, the **value-added field** and the pre-stored user data in database B130. Therefore, assuming that CP 1256 and M 8256 as listed in the **value-added field** are registered participants, as confirmed by checking that 1256 and 8256 are in database B130, an instantiated **value-added service** ("confirmation") is provided by the Value-Addition Processor B120 to the initiator of the teleconference.

Thus, in accordance with an illustrative embodiment of one broad method aspect (claim 1) of the present invention, a method for processing a SMS message comprises: (a) embedding a value-added field in the SMS message by an originator of the SMS message, the field being indicative of a value-added service requested by the originator; and (b) instantiating the value-added service from the combination of the field supplied by the originator and originator-specific data pre-stored in an originator database.

In accordance with an illustrative embodiment of a commensurate broad system aspect (claim 16) of the present invention, a system for delivering a short message service (SMS) message transmitted over a channel and having an embedded value-added field is composed of: (a) an input gateway for detecting the SMS message on the

channel; (b) a database for pre-storing data associated with an originator of the SMS message; (c) a format converter, responsive to the gateway, for extracting the field and for re-formatting the field; (d) a processor, responsive to the format converter, for performing specialized value-added data processing functions to modify the SMS message based upon the value-added field and the database; and (e) an output gateway, responsive to the SMS processor, for reconverting the modified SMS message to a form suitable for delivery and for transmitting the modified SMS message onto the channel.

Finally, in accordance with an illustrative embodiment of a broad teleconference method aspect (claim 14) of the present invention, a method for establishing a teleconference via a short message service (SMS) message comprises: (a) embedding a teleconference field in the SMS message by an initiator of the teleconference; and (b) instantiating the teleconference from the combination of the field as supplied by the initiator and initiator-specific data pre-stored in an initiator database.

Details

This subsection is provided to read the appealed claims on the specification and the drawing as required by 37 CFR 1.192(c).

CLAIM 1

The preamble sets forth a method for processing a "*short message service (SMS) message*" (element **500** of FIG. 5). Support for the recitation "*embedding a value-added field in the SMS message by an originator of the SMS message, the field being indicative of a value-added service requested by the originator*" is found in the specification wherein process **405** is discussed on page 10 with reference to the SMS message of FIGS. 5 and 6, as well as the discussion on page 7, lines 16-18 of the specification. Support for the recitation "*instantiating the value-added service from the combination of the field supplied by the originator and originator-specific data pre-stored in an originator database*" is found in the specification wherein processes **410** through **440** are discussed commencing on page 11, along with the discussion on page 7, line 19, as well as the discussion of storage device **315** of FIG. 3.

CLAIM 2

Support for the "*instantiating includes generating a value-added SMS message based upon the value-added service*" is found in the specification on page 13 wherein process 425 is discussed.

CLAIM 3

Support for the "*recording information about the value-added service*" is found in the specification on page 15 wherein process **445** is discussed.

CLAIM 4

Support for "*the SMS message includes a destination*" is found in the discussion of FIG. 5 on page 11. Support for the recitation "*instantiating includes modifying the SMS message in accordance with the value-added service and then sending the modified SMS message to the destination*" is found in specification on pages 14-15 wherein processes **435** and **440** are discussed.

CLAIM 5

Support for "*the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and the instantiating includes substituting information about the member into the SMS message based upon the field and with reference to the database*" is found with reference to FIGS. 7 and 8 and the accompanying description on pages 15-17, along with the discussion of process **445** commencing on page 13.

CLAIM 6

Support for "*the field relates to a teleconference and includes telephone numbers or member identifiers of participants and further including initiating a teleconference call to each of the participants*" is found with reference to FIGS. 6C, 6D, and 15 along with the

accompanying description on page 12 for FIGS. 6C and 6D, and the discussion starting on page 18 for FIG. 15.

CLAIM 7

The preamble sets forth method for processing a "*short message service (SMS) message*" (element 500 of FIG. 5). Support for the recitation "*embedding a value-added field in the SMS message by an originator of the SMS message, the field being indicative of a value-added service requested by the originator and wherein the value-added service is instantiated from the combination of the field as supplied by the originator and originator-specific data pre-stored in an originator database*" is found in the specification wherein process **405** is discussed on page 10 with reference to the SMS message of FIGS. 5 and 6, as well as the discussion on page 7, lines 16-18 of the specification, as well as data storage device **315** of FIG. 3 Support for the "*processing the field to instantiate the value-added service*" is found, at least, in the specification on pages 13 and 14 wherein process **425** is discussed. Support for the "*implementing the value-added service based upon the processed field in the SMS message and the originator-specific data in the database*" is found, at least, in the specification on pages 14-15 wherein process **435** is discussed.

CLAIM 8

Support for the "*processing includes extracting the field from the SMS message and converting the field into a format suitable for efficient processing*" is found in the specification on pages 11 and 12 wherein process **415** is discussed with reference to SMS format converter **305** of FIG. 3.

CLAIM 9

Support for the "*recording information about the value-added service*" is found in the specification on page 15 wherein process **445** is discussed.

CLAIM 10

Support for "*the SMS message includes a destination*" is found in the discussion of FIG. 5 on page 11. Support for the recitation "*instantiating includes modifying the SMS message in accordance with the value-added service and then sending the modified SMS message to the destination*" is found in specification on pages 14-15 wherein processes **435** and **440** are discussed.

CLAIM 11

Support for "*the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and the instantiating includes substituting information about the member into the SMS message based upon the field and with reference to the database*" is found with reference to FIGS. 7 and 8 and the accompanying description on pages 15-17, along with the discussion of process **445** commencing on page 13.

CLAIM 12

Support for "*the field relates to a teleconference and includes telephone numbers or member identifiers of participants and further including initiating a teleconference call to each of the participants*" is found with reference to FIGS. 6C, 6D, and 15 along with the

accompanying description on page 12 for FIGS. 6C and 6D, and the discussion starting on page 18 for FIG. 15.

CLAIM 13

Support for the "*the field is a tele-message and includes information relating to a destination and an appointed time of the tele-message and the implementing includes sending the tele-message to the destination at the appointed time*" is found, at least, in the specification on page 12 wherein the formats of FIGS. 6C and 6C are discussed, as well as process **1525** described on pages 24 and 25.

CLAIM 14

The preamble sets forth a method for establishing "*a teleconference via a short message service (SMS) message*" (element **610** of FIG. 6C). Support for the recitation "*embedding a teleconference field in the SMS message by an initiator of the teleconference*" is found, at least, in the specification wherein process **1505** is discussed on page 23 with reference to the SMS message of FIGS. 6C/6D, as well as the discussion on page 7, line 23 and page 8, line 1 of the specification. Support for the recitation "*instantiating the teleconference from the combination of the field as supplied by the initiator and initiator-specific data pre-stored in an initiator database*" is found in the specification wherein processes **1510** through **1535** are discussed commencing on page 24, along with the discussion on page 8, lines 1-2, as well as the discussion of storage device **315** of FIG. 3.

CLAIM 15

The preamble sets forth a method for establishing "*a teleconference via a short message service (SMS) message*" (element **610** of FIG. 6C). Support for the *"means for embedding a value-added field in the SMS message by the originator of the SMS message, the filed being indicative of a value-added service requested by an originator"* is found in the specification as process **1505** of FIG. 15 and the accompanying discussion on page 23, at least. Support for the "*means for instantiating the value-added service from the combination of the field as supplied by the originator and originator-specific data pre-stored in an originator database*" is found in the discussion of processes **1510** -**1535** on pages 23-25.

CLAIM 16

The preamble sets forth system for delivering *"short message service (SMS)* (element **500** of FIG. 5) *message transmitted over a channel* (channels **206** and **207** of FIG. 2) *and having an embedded value-added field* (field **520** of FIG. 5)". Support for the *"an input gateway for detecting the SMS message on the channel"* is found as element **300** in FIG. 3. Support for "*a database for pre-storing data associated with an originator of the SMS message"* is found as element **315** of FIG. 3. Support for *"a format converter, responsive to the gateway, for extracting the field and for re-formatting the field"* is found as element **305** of FIG. 3. Support for "*a processor, responsive to the format converter, for performing specialized value-added data processing functions to modify the SMS message based upon the value-added field and the database*" is found as elements **310** and adjunct element **320** of FIG. 3. Support for *"an output gateway, responsive to the SMS processor, for reconverting the modified SMS message to a form suitable for delivery and for transmitting the modified SMS*

message onto the channel" is found as element **325** of FIG. 3, as well as the description of FIG. 3 from pages 11 to 15.

CLAIM 17

Support for the *"processor includes a SMS processor for adding routing information to the SMS message"* includes the discussion of process **420** on pages 12 and 13 of the specification.

CLAIM 18

Support for the "*processor includes a memory for recording information about the value-added data processing functions performed*" includes the discussion of data storage element **315** on pages 15 and 16 of the specification, along with the discussion of FIGS. 7 and 8 on pages 15-17.

CLAIM 19

The preamble sets forth system for *"initiating a teleconference via a short message service (SMS) message"* (element **610** of FIG. 6C). Support for the *"means for embedding a teleconference field in the SMS message by the initiator of the teleconference"* is found in the specification as element **1050** of FIG. 10 which embodies process **1505** of FIG. 15 and the accompanying discussion on page 23, as well as line 23 of page 7 and line 1 of page 8. Support for *"a teleconference bridge for establishing the teleconference based upon information in the teleconference field"* is found as element **1010** of FIG. 10.

(6) Issues

The Examiner rejected the pending claims as follows:

(a) claims 1-18 were **rejected** under 35 U.S.C. 103(a) as being unpatentable over **Alperovich** in view of the *newly-introduced* **Lehto** reference; and

(b) claim 19 was **rejected** under 35 U.S.C. 102(b) as being anticipated by **Alperovich**.

These are the only outstanding and unresolved rejections. The Appellants contend that the Examiner's rejections are in error, and cannot be supported as either being anticipated by the cited references or obvious in view of the cited references, either taken singly or in combination.

(7) Grouping of Claims

The rejected claims do NOT stand or fall together. Claims 6, 12, 13, 14, and 19 relate specifically to a teleconference.

(8) Argument

Appellants' Preliminary Statement:

The Appellants believe that the subject matter taught and suggested by the cited references, i.e. **Alperovich** and/or **Lehto**, taken singly or in combination, is fundamentally different from what the Appellants have disclosed and claimed. To distinguish the fundamental differences between the two, it is helpful initially to generally and separately discuss the teachings and suggestions of both **Alperovich** and **Lehto** in order to contrast Appellants' claimed subject matter. Then the Examiner's contentions are refuted in detail.

Succinctly, structural and operational distinctions will be eminently clear.

Alperovich deals with new "header" information pre-pended to a standard SMS message at the transmitter to create a non-standard SMS message propagated by the transmitter. The new "header" is pre-pended only **ON or AFTER** the user creates the payload for the SMS message. The receiver is non-standard because a corresponding new SMS application is required to process the new "header" information since it is unrecognized by standard SMS processing protocols. Moreover, **Alperovich** never teaches or suggests any subject matter related to a teleconference.

Lehto deals with embedding so-called new "Extension Data" into a standard SMS message emitted by the transmitter. The Extension Data is only embedded into the SMS message **ON or AFTER** the user creates a so-called "funny" which fills the payload of the SMS message. The receiver is non-standard because a corresponding new SMS application is required to process the Extension Data since it has a special format

unrecognized by standard SMS processing protocols. Moreover, **Lehto** never teaches or suggests any subject matter related to a teleconference.

The Appellants disclose and claim a methodology which, in one manifestation, *converts* a non-standard Short Message Service (SMS) message, generated by an originator of the message, into a standard SMS message for propagation over a conventional SMS system. The conversion utilizes the combined processing **(value-added service)** of (i) a keyword field **(value-added field)** in the non-standard SMS message and (ii) data pre-stored into a database by the originator. The standard SMS message results from the combined processing. The standard SMS message is then propagated over the SMS system to a receiver. Accordingly, the receiver is standard, that is, it does not require any new application software.

The aforementioned manifestation of the inventive subject matter is one wherein the **value-added service** is characterized by a "conversion" or "substitution". In other manifestations, the **value-added service** is characterized by, illustratively: (i) verification/confirmation; (ii) scheduling; (iii) initiating; (iv) terminating; and/or (v) billing, or any combination of (i)-(v). For example, the combination of the (i)-(iv) realizes a basic teleconference call. A given **value-added field** triggers a request for a **value-added service**, so that the **value-added field** can convey one or more pieces of data depending upon the **value-added service** so desired by the originator. The **value-added service** can then be instantiated based upon the specific data in the **value-added field** and data pre-stored before the generation of any given SMS message. The resulting SMS message propagated over the SMS system is in standard format.

Discussion of Alperovich

The Appellants believe it is elucidating to summarize the discussion relative to **Alperovich**'s figure 3, the important aspects of which are shown in the attached FIG. C1, so as to crystallize the crux of **Alperovich**'s teachings and suggestions (figure 3 is the only figure with details about **Alperovich**'s inventive subject matter; figures 1 and 2 merely serve as background for figure 3). This discussion of **Alperovich** is divided into two different aspects, namely, a first aspect the Appellants will refer to as "transmission" processing, and a second aspect referred to as "reception" processing.

Transmission Processing:

With reference to FIG. C1, **Alperovich** teaches/suggests that a new type of "header" is pre-pended to the SMS message 310 (other standard types of pre-pended information might include the source and destination addresses); what is clear is that the new "header" is distinct from the SMS message 310 itself. **Alperovich** then provides examples of the types of information that can be included in new "header". One case is taken as exemplary, namely, language header **323** wherein the language of the SMS message is listed so that the SMS message can only be sent in certain acceptable languages; the interpretation of header 323 must be carried out in receiver SIM 308 to have utility.

It is clear that specific, fixed information is pre-pended as an additional "header" by the originator of the SMS message; let us refer to this pre-pending process as generating an "*information-specific header*" augmenting the SMS message. **Alperovich**

does not discuss how such pre-pending is accomplished, but such a process is, for the sake of argument, presumed to be known to one of ordinary skill in the art. (It is clear that appending a new "header" is also possible, but such an approach is merely analogous to pre-pending a new "header".)

FIG. C2 is a block diagram which summarizes the transmission processing of FIG. C1 for later comparison to the Appellants' processing technique. FIG. C2 highlights the fact that the user inputs specific data, ON or AFTER the SMS message itself is generated, for the "information-specific" header which is then pre-pended directly to the standard SMS message. *Thus, it is especially significant that neither the information-specific header nor the standard SMS message do not make use of any data pre-stored* (e.g., the day before or even a few months before*) by the user prior to the creation of the non-standard SMS message.*

Reception Processing:

The SMS message with the new "header" is then delivered to Mobile Station (MS 300) having and embedded SIM 308 (or other type of memory). As disclosed by **Alperovich**, SIM 308 must contain a new "message application" fixed in the SIM (or other memory) for processing the new "header". As one example, SIM has an application that processes language header 323 so that only those Mobile Stations having a value pre-stored in SIM 308 matching the incoming language header 323 can handle the SMS message in the given language. Similar comments apply to the other headers disclosed in **Alperovich**.

Thus it is clear the **Alperovich** changes the manner in which both transmission processing and reception processing are effected in an SMS system, that is, both non-conventional transmission processing and non-conventional reception processing are required by **Alperovich**.

Discussion of Lehto

The Appellants also believe it is elucidating to summarize the discussion relative to **Lehto**'s figures 2 and 4, the important aspects of which are shown in the attached FIG. D, so as to crystallize the crux of **Lehto**'s teachings and suggestions. This discussion of **Lehto** is also divided into two different aspects, namely, the "transmission" processing and the "reception" processing.

Transmission Processing:

With reference to FIG. D, **Lehto** teaches/suggests that a new "Extension Data" is embedded into a standard SMS message following the header and payload information; the payload information is indicative of a so-called "funny" (i.e., an ordered sequence of pictures and associated text). The Extension Data serves to guide the receiving application, implemented in the mobile receiver, as to how to manipulate (e.g., display and save) the funny being received. The Extension Data can only be generated with reference to the given "funny" and, accordingly, can only be inserted ON or AFTER the creation of the funny. *Thus, there is no originator-specific data pre-stored* (e.g., the

day before or even a few months before*) by the originator/user of the funny which is ever referenced during the creation of the Extension Data.* The left-hand-side of attached FIG. D depicts in high-level block diagram form the notion of Extension Data, namely, information-specific data directly generated ON of AFTER the user inputs the "funny".

Reception Processing:

The SMS message with the new Extension Data is then delivered to a receiving mobile terminal having an embedded operating system. As disclosed by **Lehto**, the operating system must contain a new "message application" fixed in the operating system for manipulating the Extension Data. As one example of reception processing, the application must interpret the Extension Data to understand what is being received is an ordered sequence of frames and that each frame includes possibly both a picture and associated text. The right-hand side of FIG. D depicts the new processing required of **Lehto**'s receiver.

Thus it is clear the **Lehto** changes, at least, the manner in which reception processing is effected in an SMS system, that is, non-conventional processing is required by **Lehto**.

Thus, no matter what **Alperovich** and **Lehto** teach or suggest, separately or in combination, about transmission processing, it is clear that non-conventional reception processing is taught/suggested by each reference. Moreover, it is not clear how

the secondary reference (**Lehto**) can be combined with the primary reference (**Alperovich**) to realize an operative combination. It is well-known that combining a secondary reference with a primary reference cannot render the combination inoperative. **Alperovich**'s reception processing is configured to process a new "header" not contained in the standard SMS message. **Lehto**'s reception processing manipulates data within the SMS message. ***Alperovich and Lehto** cannot function together.*

Appellants' Point of Departure

Transmission Processing

Consider the following discussion which represents the point of departure of the Appellants' claimed subject matter in one of its manifestations over the cited references, taken singly or in combination, namely, the discussion of Process **405** on page 10 of the specification and the concomitant discussion of Process **425** on page 13 relating to Appellants' FIG. 4, paraphrased as follows with emphasis:

> Process **405**: A Short Message (SM) is originated in SMS system 200 of FIG. 2 by computer 105 of FIG. 1. When the SM is sent from computer 105, it is directed to the appropriate SMS exchange 205 of FIG. 2. An exemplary message sent from computer 105 to the Internet e-mail address SMdest@isp.com may be of the form "send quote to <myemail>". The value-added service corresponding to this message is the replacement of the alias name between the delimiters '<' and '>', namely, 'myemail', with the actual e-mail address of the originator.

> Process **425**: The Value-Added Processor (VAP) **320** of FIG. 3 performs value addition functions on the SM based on the stored programs in its memory and the data in the SMS data storage **315** of FIG. 3. For instance, a user may instruct that his email be sent to the recipient of the SM by just typing the keyword 'myemail' in his SM. Such keywords may be distinguished from regular text in the message by enclosing them in delimiters such as the ASCII characters '<' and '>'. The VAP **320** then looks up that user's specific data, based upon the Member ID (**515** of FIG. 5) in the SMS data storage **315**, and inserts the user's full email address in place of the keyword 'myemail'.

As is evident from these two excerpts, the processing as disclosed and claimed by the Appellants in this manifestation relates to the dynamic instantiation of a specific SMS message, in standard format, based upon (1) a alias name (referred to in the specification as a **value-added field**) and (2) user-specified data pre-stored (e.g. one day before or even a few months before) in a database disposed in the overall SMS system. In the first process **405**, the user generates an SMS message with a **value-added field**, e.g., a field identified by delimiters. The second process **425** produces as "*specific-data instantiation*" of the SMS message based upon the **value-added field** and user-specific data pre-stored in a database. The conversion of the non-standard SM to a standard SM resulting from the combination of the two processes **405** and **425** is but one example of the **value-added service** of the specification.

The diagram of attached FIG. E summarizes the essential elements of Appellant's FIGS. 1-4 related to one manifestation of the inventive subject matter so as to differentiate, in high-level block diagram format, between the teachings and suggestions of **Alperovich** (FIGS. C1 and C2 attached) and/or **Lehto** (FIG. D attached), and the inventive subject matter of the Appellants. In FIG. E, user E100 first fills-in user-specific data into database E130 (say, the day before or even a few months before). Then, at some later time, as evidenced by the processing of block E110, a **value-added field** is generated when user E100 prepares a SMS message (e.g., "send quote to my <myemail>"). In turn, the **value-added field** (via E104) is sent to Value-Added Processor (VAP) E120 for processing. The user-specific data to be filled into the **value-**

added field (e.g. in the <myemail> field) is sent to VAP E120 from database E130 over E106. VAP E120 populates the **value-added field** using the "user-specific data" to generate the "specific-data instantiation" of the field (e.g., "send quote to gopi@isp.com"), as evidenced by processing block E140.

By way of reiteration to highlight the distinguishing differences between **Alperovich** and the Appellants' inventive subject matter, compare the processing of FIG. C2 to that of FIG. E. In FIG. E, user E100 creates a non-standard SMS message (E110) which must then be converted to a standard SMS (E140) for propagation. The conversion is accomplished with reference to the **value-added field** and the **user database** E130 via VAP E120. It is very clear that the Appellants' point-of-departure relates only to the SMS message per se, and has nothing to do with header processes, and certainly not the introduction of a new "header" structure as required by **Alperovich**. Header manipulation is never at issue in the Appellants' inventive subject matter.

By way of reiteration to highlight the distinguishing differences between **Lehto** and the Appellants' inventive subject matter, compare the processing of FIG. D with FIG. E. In FIG. E, user E100 creates a non-standard SMS message (E110) which must then be converted to a standard SMS (E140) for propagation. The conversion is accomplished with reference to the **value-added field** and the **user database** E130 via VAP E120. The user database E130 is generated independently of the given non-standard SMS message; *in effect, the non-standard SMS message is a template which must be instantiated with the originator-specific data to produce an actual and meaningful standard SMS message.*

Reception Processing

Because a standard SMS message is transmitted over the overall system and concomitant method disclosed and claimed by the Appellants, receiver processing is standard, as depicted in FIG. E. Thus, whereas both **Alperovich** and **Lehto** require non-standard receiver processing, the Appellants deal only with standard receiver processing. This clearly makes sense because **Alperovich** and/or **Lehto** and the Appellants each address a different problem, so the solutions should be markedly different.

Teleconferencing Aspect of the Present Inventive Subject Matter

More sophisticated manifestations of inventive subject matter are covered by the discussion of the specification starting on page 18-25; the discussion encompasses FIGS. 10-16, as well as FIG. 6 that exemplified a **value-added field** for a teleconference. The discussion on page 18-25 focuses on a teleconference call as being representative of the most general type of *instantiation* which can result from the combined processing of data in a **value-added field** along with data pre-stored in a user database. In the methodology pertinent to a teleconference, *instantiation* deals with "establishing, maintaining, and taking down" a teleconference among three of more individuals using a SMS message.

The diagram of attached FIG. F summarizes in overview fashion certain of the essential elements of Appellant's figures mentioned immediately above for

teleconferencing. In FIG. F, user F100 first fills-in user-specific data into database F130 (say, the day before or even a few months before). Then, at some later time, as evidenced by the processing of block F110, a **value-added field** is generated when user F100 prepares a SMS message (e.g., the message as set forth in FIG. 6C). In turn, the **value-added field** (via F104) is sent to Value-Added Processor (VAP) F120 for processing. The user-specific data filled into the **value-added field** (e.g., the date, time, name of the Chair Person as well as participating members) is sent to VAP E120 from database F130 over F106. VAP F120 populates the SMS message using the "user-specific data" to generate the "specific-data instantiation" counterpart of the **value-added field**, as evidenced by processing block F140, and sends the standard SMS message to all participants as well as Teleconference Server F150 over channel F151. At the appointed date and time, Teleconference Bridge F160 is notified to interconnect the scheduled participants via F161 and with reference to their respective phone numbers via the "specific-data instantiation" of the SMS message.

Query: Where in Alperovich and/or Lehto is there any teaching or suggestion of activities of teleconferencing (as recited in Appellants' claims 6, 12-14, and 19)?

The Appellants have been unable to discern any teaching or suggestion in **Alperovich** and/or **Lehto**, taken singly or in combination, relating to teleconferencing, so there is certainly no teaching or suggestion related to instantiating, including verification, initiating, maintain, terminating of a teleconference call. The Examiner's statement in the FINAL Office action, namely that "whether the additional message

is used for teleconference of other purpose, for that matter, is an intended use of the additional information" is specious at best and disingenuous at worst. The Appellants are clear that there is more than intended use -- they disclose and claim a technique, engendered by the method recitations, which results in the completion of a teleconferencing call, said methodology heretofore neither taught or suggested by the prior art, singly or in combination.

Detailed Discussion of Rejection of Claims 1-18 based upon Alperovich and Lehto

Examiner's Position as per independent CLAIM 1: a method for processing a short message service (SMS) message comprising

embedding a value-added field in the SMS message by the originator of the SMS message, the directive [sic] field being indicative of a value-added service requested by the originator *reads on '927 (abstract)*, and

instantiating the value-added service *reads on '927 (see page 3, lines 1-20)*. But, Alperovich does not explicitly teach about instantiating a value-added service from the combination of the field supplied by the originator, as claimed by the applicant. However, in a related field of endeavor, Lehto teaches about a SMS extension for a "funny", wherein a value added data is inserted into an existing SMS structure and exchanged between a sending and receiving terminal (see entire document; particularly, page 1, paragraph 0008-page2, paragraph 0012; page 4, paragraphs 0045-0050; claims) and funny data (value added data) is provided a storage medium (see page 4, paragraph 0047); see also (figs. 2, 3B, and 4). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Alperovich with the teaching of Lehto for the advantage of providing new value-added features to the existing SMS messaging infrastructure without losing backward compatibilities (see page 2, paragraph 0012).

Appellants' Contention: The Appellants are especially concerned with the Examiner's rationale in rejecting claim 1 because:

(a) the Examiner has failed to treat the recitations of the claim as a whole as required under the patent law. The Appellants have been precise in the recitation of "instantiating the value-added service from the combination of the field supplied by the originator and originator-specific data pre-stored in an originator database" (emphasis added by underline). Yet the Examiner has chosen to conveniently and erroneously ignore the phrase in the Appellants' claim 1 which sets forth that the combination includes utilization of *originator-specific data pre-stored in the database*. (Note the Examiner's imprecise language: "Alperovich does not explicitly teach about instantiating a value-added service from the combination of the field

supplied by the originator" -- a combination relates two or more items, yet only the field is mentioned by the Examiner).

Moreover, the Examiner's goes on to state that Lehto teaches "about a SMS extension for a 'funny', wherein a value added data is inserted into an existing SMS structure and exchanged between a sending and receiving terminal and funny data (value added data) is provided a storage medium." The Appellants never disclose/discuss "value added data" in the specification or recite "value added data" in their claim 1. The Examiner does not have the liberty to misconstrue the notion of merely adding data to a SMS message as covering what the Appellants have disclosed and claimed. On the contrary, the Appellants have carefully defined the notions of "**value-added field**" and "**value-added service**". The Examiner has not utilized the specification as the "dictionary" to interpret the phrases "**value-added field**" and "**value-added service**". It is well-known that the Appellants can be their own lexicographers, and terminology recited in the claims is to be interpreted and understood from the specification if the terminology does not have a standard dictionary meaning or is not known in the art[1]. The phrase "**value-added field**" was coined by the Appellants to describe a field in a SMS message used to access a pre-

[1] Recent Federal Circuit cases have reinforced this point of the Appellants being their own lexiocographer. See, e.g., Tex. Digital Sys., Inc. v. Telegenix, Inc., 308 F.3d 1193, 1204 (Fed. Cir. 2002) ("[T]he presumption in favor of a dictionary definition [of a claim term] will be overcome where the patentee, acting as his or her own lexicographer, has clearly set forth an explicit definition of the term different from its ordinary meaning." The language in these cases emphasizes the "use of technical and general-usage dictionaries in determining the ordinary meaning." Id.

Also see Bell Atl. Network Servs., Inc. v. Covad Communications Group, Inc., 262 F.3d 1258, 1268 (Fed. Cir. 2001); Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1582 (Fed. Cir. 1996). ("A long line of cases indicates that evidence intrinsic to the patent -- particularly the patent's specification, including the inventors' statutorily-required written description of the invention -- is the primary source for determining claim meaning." Indeed, that proposition has been accepted doctrine in patent law for many years. See, e.g., Autogiro Co. of Am. v. United States, 384 F.2d 391, 397-98 (Ct. Cl. 1967) ("The use of the specification as a concordance for the claim is accepted by almost every court, and is a basic concept of patent law. Most courts have simply stated that the specification is to be used to explain the claims; others have stated the proposition in different terms, but with the same effect.").

stored user database, and the phrase "**value-added service**" is the result of instantiating the combination of generic data supplied by the user via the **value-added field** and the user-specific data pre-stored in a user database.

Moreover, claim 1 recites the interplay between "value-added field" and "value-added service"; accordingly, besides relying upon the specification as the dictionary, the claim itself explicitly recites how the "value-added service" is derived.

(b) the Examiner states that the "funny data is provided a storage medium". The Appellants are willing to admit, for the sake of argument, that the funny data is stored in a storage medium, but this only occurs on or after the funny data is generated. The Examiner has totally misapplied this notion to what the Appellants have disclosed and claimed. There is absolutely no teaching or suggestion in either **Alperovich** or **Lehto** wherein a database is preloaded with originator-specific data which is independent of any particular SMS message and which is then used at a later time to instantiate the value-added service.

Examiner's Position as per dependent CLAIM 2: the method wherein the instantiating includes generating a value-added SMS message based upon the value-added service reads on '927 (see abstract).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 1 immediately above. Moreover, a value-added SMS message is embedded with the data representative of the value-added service. It is clear from the foregoing

discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 3: the method further including recording information about the value-added service reads on '927 (see abstract).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 1 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 4: the method wherein the SMS message includes a destination and the service and then sending the modified message to the destination reads on '927 (see abstract; page 3, lines 1-20; page 6, lines 3-12). The gateway modifies the SMS when it unpacks the header contained in the SMS.

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 1 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 5: the method wherein the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and instantiating includes substituting information about the member into the SMS message based upon the field and with reference to the database reads on '927 (see abstract; fig. 2; page 2, line 27-page 3, line 31; page 4, line 12-page 5, line 6; page 6, lines 3-24).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 1 immediately above. In addition, the originator-specific data pre-stored in the database further includes a member identifier so that the value-added field can be associated with the member identifier during the generation of the value-added service. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 6: the method wherein the field relates to a teleconferencing and includes telephone numbers or member identifiers of participants and further including initiating a teleconference call to each of the participant reads on '927 (see abstract; page 4, line 25-page 5, line 7; page 6, lines 3-24).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 1 immediately above. In addition, the originator-specific data pre-stored in the database further includes teleconference data (e.g., telephone numbers or member identifiers of participants, as recited). The value-added service is instantiated based upon the teleconference data. Moreover, as result of processing of the SMS message in the SMS system (the preamble of claim 1), additionally there is an instantiation of a teleconference call based upon the teleconference data. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed. Certainly the cited references do not even account for embedding teleconference data in a value-added service, so logically instantiating the teleconference call is not within the realm of contemplation given the cited references.

Examiner's Position as per independent CLAIM 7: a method for processing a short message service (SMS) message comprising:

embedding a value-added field in the SMS message by the originator of the SMS message, the directive being indicative of a value-added service requested by the originator reads on "927 (abstract).

processing the field reads on '927 (see fig. 2; abstract; page 3, lines 1-20).

implementing the value-added service based upon the field in the SMS message reads on reads on '927 (see page 3, lines 1-20). But, Alperovich does not explicitly teach about instantiating a value added service from the combination of the field as supplied by the originator and originator -specific data pre-stored in an originator database and processing the field to instantiate the value-added service, as claimed by applicant. However, in a related field of endeavor, Lehto teaches about a SMS extension data for a 'funny', wherein a value added data is inserted into an existing SMS structure and exchanged between a sending and receiving terminal (see entire document; particularly, page 1, paragraph 0008-page 2, paragraph 0012; page 2, paragraph 0018; page 4, paragraphs 0045-0050; claims) and the funny data (value added data) is provided a storage medium (see page 4, paragraph 0047); see, also (figs. 2, 3B; and 4). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Alperovich with the teaching of Lehto for the advantage of providing new value-added features to the existing SMS messaging infrastructure without losing backward compatibilities (see page 2, paragraph 0012).

Appellants' Contention: Independent claim 7 is commensurate with independent claim 1 and allowable based upon the same rationale that claim 1 is patentable subject matter.

Examiner's Position as per dependent CLAIM 8: the method wherein the processing includes extracting the field from the SMS message and converting the field into format suitable for efficient processing reads on '927 (see abstract; page 6, lines 3-24).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 7 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 9: the method further including recording information about the value- added service reads on '927 (see abstract)

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 7 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 10: the method wherein the SMS message includes a destination and the implementing includes modifying the SMS message in accordance with the value-added service and then sending the modified SMS message to the destination reads on '927 (see abstract; page 3, lines 1-20; page 6, lines 3-32).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 7 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 11: the method wherein the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and implementing includes substituting information about the member into the SMS message based upon the field and with reference to the database reads on '927 (see abstract; fig. 2; page 2, line 27-page 3, line 31; page 4, line 12-page 5, line6; page 6, lines 3-24).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 7 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 12: the feature of claim 12 is similar to the feature of claim 6. Hence, claim 12 is rejected on the same ground as claim 6.

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 7 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 13: the method wherein the field is a tele-message and includes information relating to a destination and an appointed time of the tele-message and implementing includes sending the tele-message to the destination at the appointed time reads on '927 (see page 4, line 25-page 5, line 6; page 13, lines 9-12). The prior art discloses that other information can be included in the header. So, time or other information need could have been added into the broadcasting SMS message of the prior art.

Appellants' Contention: As already pointed out in the foregoing discussion, the references taken singly, or in combination, do not teach nor suggest anything related to a teleconference method.

Examiner's Position as per independent CLAIM 14: the features of claim 14 are similar to the features of claim 1. Hence, claim 14 is rejected on the same ground and motivation as claim 1.

Appellants' Contention: Claim 14 is the teleconference system counterpart to method claim 1 having the same breadth and scope of claim 1 and is deemed allowable for the same reasons claim 1 is allowable without exhaustively repeating the foregoing arguments.

Examiner's Position as per independent CLAIM 15: the features of claim 14 (sic [15]) are similar to the features of claim 1. The only difference between claims 1 and 14

is that the first is a method claim and the later a system which is provided by (figs. 2-3) of the prior art. Hence, claim 14 is rejected on the same ground as claim 1.

Appellants' Contention: Claim 15 is the system counterpart to method claim 1 and is deemed allowable for the same reasons claim 1 is allowable

Examiner's Position as per independent CLAIM 16: a system for delivering a short message service (SMS) message transmitted over a channel and having an embedded value-added directive (see abstract), the system comprising:

an input gateway for detecting the SMS message on the channel reads on '927 (see page 3, lines 8-10).

a format converter, responsive to the gateway, for extracting the field and for re-formatting the field reads on '927 (see abstract; page 4, lines 12-20; page 6, lines 3-24). The prior art's SMS service is from point-to-point which inherently has to have several forting and reformatting depending upon the path to be crisscrossed.

a processor, responsive to the format converter, for performing specialized value-added data processing functions to modify the SMS message based upon the value- added field reads on '927 (see abstract; figs. 2 and 3; page 2, line 27 -page 3, line 20; page 5, line 28page 6, line 24).

an output gateway, responsive to the SMS processor, for converting the modified SMS message to a form suitable for delivery and for transmitting the modified SMS message onto the channel reads on '927 (see abstract, fig. 2; page 2, line 27 -page 3 line 29). It is inherent for a gateway to change/convert protocols from one standard to another. It is for this purpose (protocol exchange) that gateways are placed in between de-similar networks. But, Alperovich does not explicitly teach about a database for pre-storing data associated with an originator of the SMS message, as claimed by applicant. However, Lehto teaches about SMS extension wherein a value added service (funny picture message) is/are concatenated within an SMS including non-volatile memory for one or more extended SMS messages (such as funnies) (see page 4, paragraph 0047). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Alperovich with that of Lehto for the advantage of providing new value-added features to the existing SMS messaging infrastructure without losing backward compatibilities (see page 2, paragraph 0012).

Appellants' Contention: Claim 16 is a claim which reads on FIG. 2, at least. In view of the cumulative effect of the foregoing discussion, claim 16 is also deemed allowable without belaboring the points already argued by the Applicants.

Examiner's Position as per dependent CLAIM 17: the system wherein the processor includes a SMS processor for adding routing information to the SMS message reads on '927 (see abstract; page 5, line 28-page 6, line 12).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 16 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service is additionally processed.

Examiner's Position as per dependent CLAIM 18: the system wherein the processor includes a memory for recording information about value-added data processing functions performed reads on '927 (see abstract; figs. 2 and 3; page 10, lines 12-27).

Appellants' Contention: The Appellants incorporate herein their arguments pertaining to claim 16 immediately above. It is clear from the foregoing discussion that the value-added service is neither anticipated nor obvious from the prior art, so neither is a dependent claim that recites how the value-added service utilizes a memory to record the results of value-addition processing.

Examiner's Position as per independent CLAIM 19: a system for initiating a teleconference via a short message service (SMS) message comprising:

means for embedding teleconference field in the SMS message by the initiator of the teleconference reads on '927 (see abstract; figs. 2 and 3; page 3, lines 1-20; page 4, line 12-page 5, line 6; page 5, line 28-page 6, line 24).

teleconference bridge for establishing the teleconference based upon information in the teleconference field reads on '927 (see abstract; page 3, lines 1-20; page 4, line 12-page 5, line 6; page 5, line 28-page 6, line 24).

Appellants' Contention: As already pointed out in the foregoing discussion, claim 19 is an independent claim relating to teleconferencing – the references cited are silent with regard to teleconferencing, so they cannot be combined to create "*something from nothing*".

Closing Comments

Based on the foregoing, the Appellants believe that the Examiner has exalted form over substance by drawing the analogy, at a superfluous level, that the Appellants' methodologies relate to the same generic technological field as **Alperovich** and/or **Lehto** and, accordingly, are presumably encompassed by the processing techniques of **Alperovich** and/or **Lehto**. However, the Appellants contend that it is only the teachings of the Appellants, used in hindsight by the Examiner, that has allowed the Examiner, in an attempt to render the Appellants' claims as anticipated by **Alperovich** or unpatentable over **Alperovich** in view of **Lehto**, to: (1) search for a references exhibiting what amounts to disparate pieceparts only tangentially related to the disclosure and overall recitations of the Appellants; (2) select from the cited reference material which is not especially relevant to the Appellants' inventive subject matter; and (3) interpret the reference and bind these pieceparts together in a rather nebulous and not very detailed manner to explain away the combination as "anticipated" or "obvious" without paying attention to the teachings and suggestions of the cited references. The point of departure of the Appellants' subject matter versus the prior art commences by addressing a different problem than that considered by **Alperovich** and/or **Lehto** and, accordingly, arriving at a totally different and distinguishable solution. Thus, the introduction of heretofore unknown processing techniques results in claimed subject matter that clearly distinguishes over **Alperovich** and/or **Lehto**, taken singly or in combination.

Other Cited References

All other references cited by the Examiner throughout the examination process have been reviewed in detail, but the subject matter taught and suggested by these references are not sufficiently pertinent to warrant any further comment.

Respectfully submitted,

John T. Peoples

John T. Peoples, Attorney Acting under 37 CFR 1.34
(Reg. No. 28,250)

Date: 7-11-05

Attachments:

FIG. A
FIG. B
FIG. C1and C2
FIG. D
FIG. E
FIG. F
Clear copy of the amended claims

"Express Mail" mailing label number: ER291126295US

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Typed or Printed Name of Person Mailing Paper or Fee: John T. Peoples

Signature: John T. Peoples

(9) Appendix

THE CLAIMS ON APPEAL ARE AS FOLLOWS:

1. A method for processing a short message service (SMS) message comprising

embedding a value-added field in the SMS message by an originator of the SMS message, the field being indicative of a value-added service requested by the originator, and

instantiating the value-added service from the combination of the field supplied by the originator and originator-specific data pre-stored in an originator database.

2. The method as recited in claim 1 wherein the instantiating includes generating a value-added SMS message based upon the value-added service.

3. The method as recited in claim 1 further including recording information about the value-added service.

4. The method as recited in claim 1 wherein the SMS message includes a destination and the instantiating includes modifying the SMS message in accordance with the value-added service and then sending the modified SMS message to the destination.

5. The method as recited in claim 1 wherein the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and the instantiating includes substituting information about the member into the SMS message based upon the field and with reference to the database.

6. The method as recited in claim 1 wherein the field relates to a teleconference and includes telephone numbers or member identifiers of participants and further including initiating a teleconference call to each of the participants.

7. A method for processing a short message service (SMS) message comprising

embedding a value-added field in the SMS message by an originator of the SMS message, the field being indicative of a value-added service requested by the originator and wherein the value-added service is instantiated from the combination of the field as supplied by the originator and originator-specific data pre-stored in an originator database,

processing the field to instantiate the value-added service, and

implementing the value-added service based upon the processed field in the SMS message and the originator-specific data in the database.

8. The method as recited in claim 7 wherein the processing includes extracting the field from the SMS message and converting the field into a format suitable for efficient processing.

9. The method as recited in claim 7 further including recording information about the value-added service.

10. The method as recited in claim 7 wherein the SMS message includes a destination and the implementing includes modifying the SMS message in accordance with the value-added service and then sending the modified SMS message to the destination.

11. The method as recited in claim 7 wherein the originator is identified by a member identifier, the field associates the member identifier with information about the member stored in the database, and the implementing includes substituting information about the member into the SMS message based upon the field and with reference to the database.

12. The method as recited in claim 7 wherein the field relates to a teleconference and includes telephone numbers or member identifiers of participants and the implementing includes initiating a teleconference call to each of the participants.

13. The method as recited in claim 7 wherein the field is a tele-message and includes information relating to a destination and an appointed time of the tele-message and the implementing includes sending the tele-message to the destination at the appointed time.

14. A method for establishing a teleconference via a short message service (SMS) message comprising

embedding a teleconference field in the SMS message by an initiator of the teleconference, and

instantiating the teleconference from the combination of the field as supplied by the initiator and initiator-specific data pre-stored in an initiator database.

15. A system for processing a short message service (SMS) message comprising

means for embedding a value-added field in the SMS message by the originator of the SMS message, the filed being indicative of a value-added service requested by an originator, and

means for instantiating the value-added service from the combination of the field as supplied by the originator and originator-specific data pre-stored in an originator database.

16. A system for delivering a short message service (SMS) message transmitted over a channel and having an embedded value-added field, the system comprising

an input gateway for detecting the SMS message on the channel,

a database for pre-storing data associated with an originator of the SMS message,

a format converter, responsive to the gateway, for extracting the field and for re-formatting the field,

a processor, responsive to the format converter, for performing specialized value-added data processing functions to modify the SMS message based upon the value-added field and the database, and

an output gateway, responsive to the SMS processor, for reconverting the modified SMS message to a form suitable for delivery and for transmitting the modified SMS message onto the channel.

17. The system as recited in claim 16 wherein the processor includes a SMS processor for adding routing information to the SMS message.

18. The system as recited in claim 16 wherein the processor includes a memory for recording information about the value-added data processing functions performed.

19. A system for initiating a teleconference via a short message service (SMS) message comprising

means for embedding a teleconference field in the SMS message by the initiator of the teleconference, and

a teleconference bridge for establishing the teleconference based upon information in the teleconference field.

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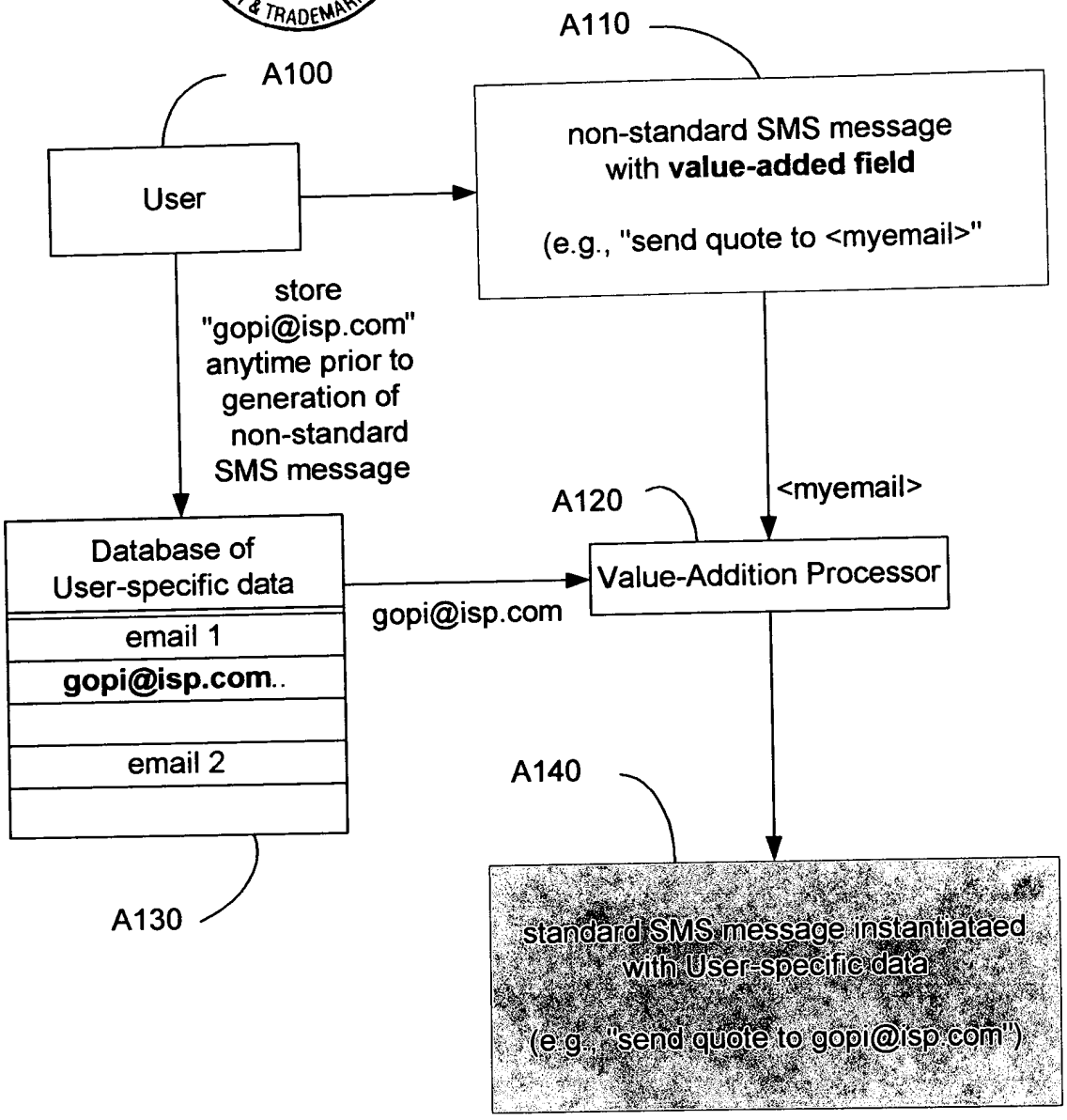

FIG. A
Appellants' Transmission Processing

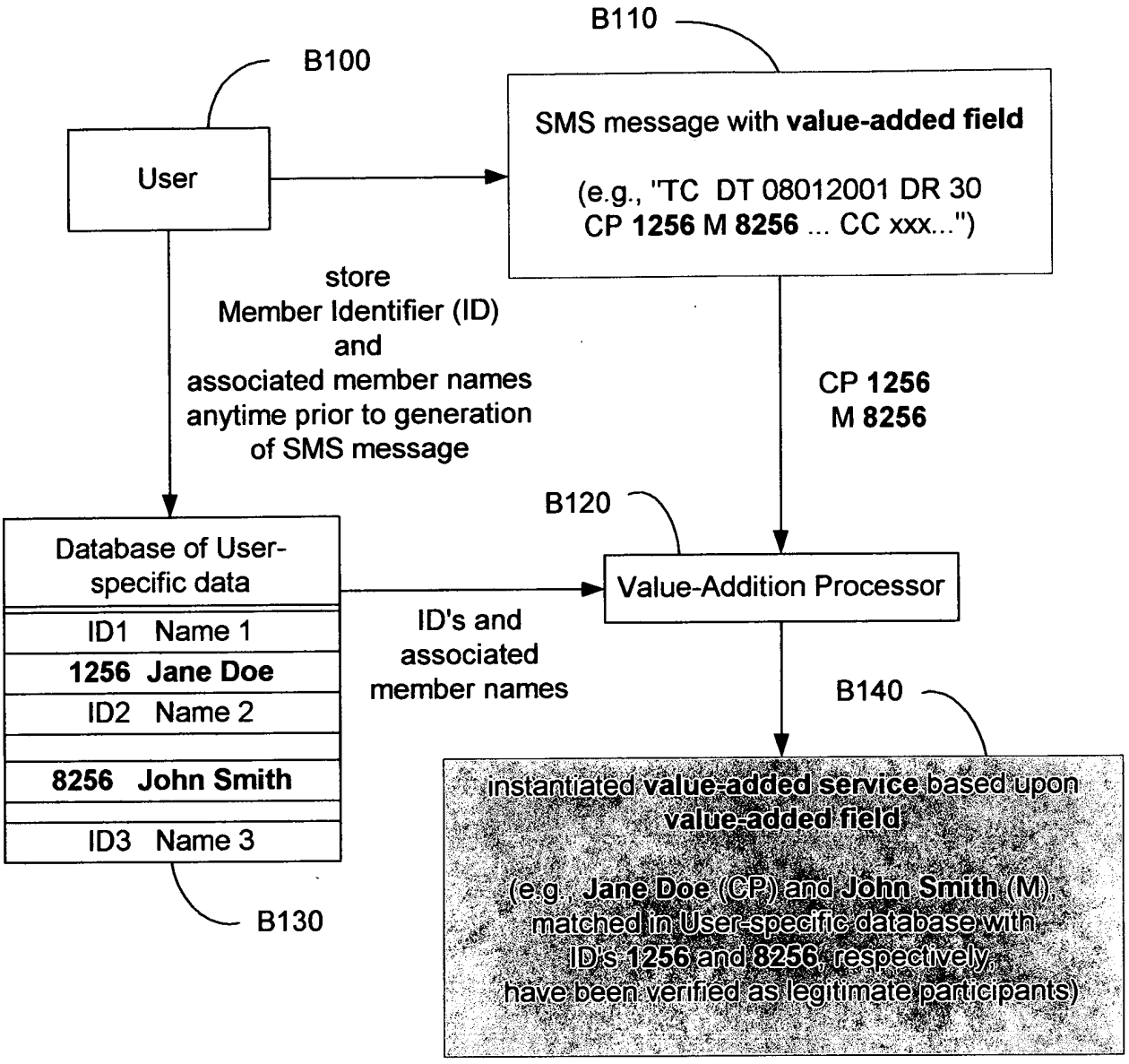

FIG. B
Appellants' Teleconference Processing

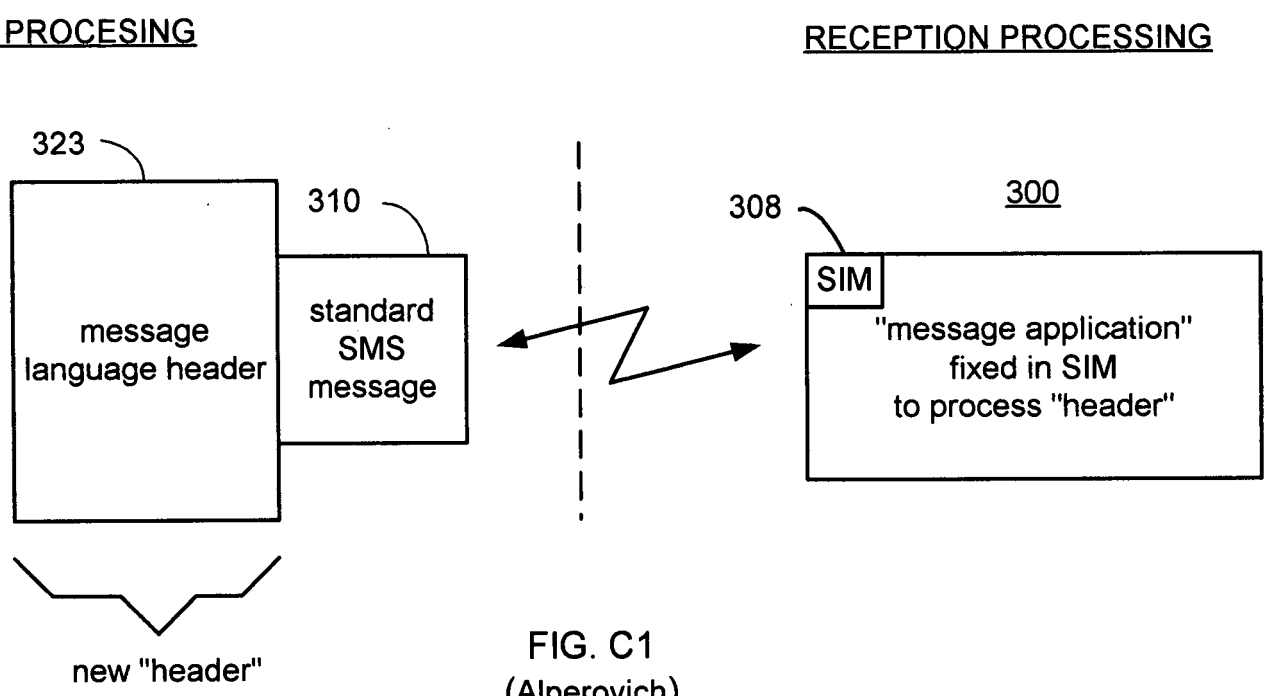

FIG. C1
(Alperovich)

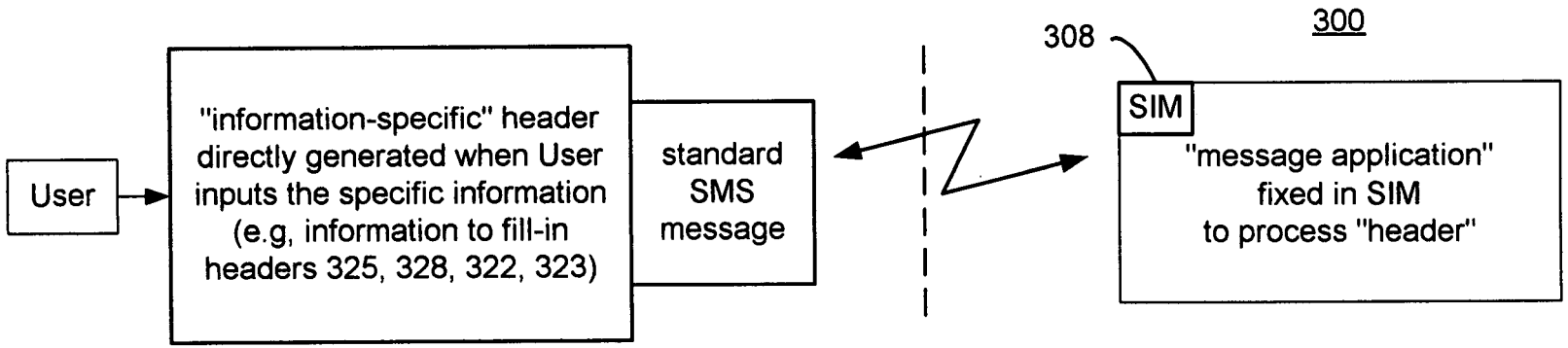

FIG. C2
(Alperovich)

TRANSMISSION PROCESING

RECEPTION PROCESSING

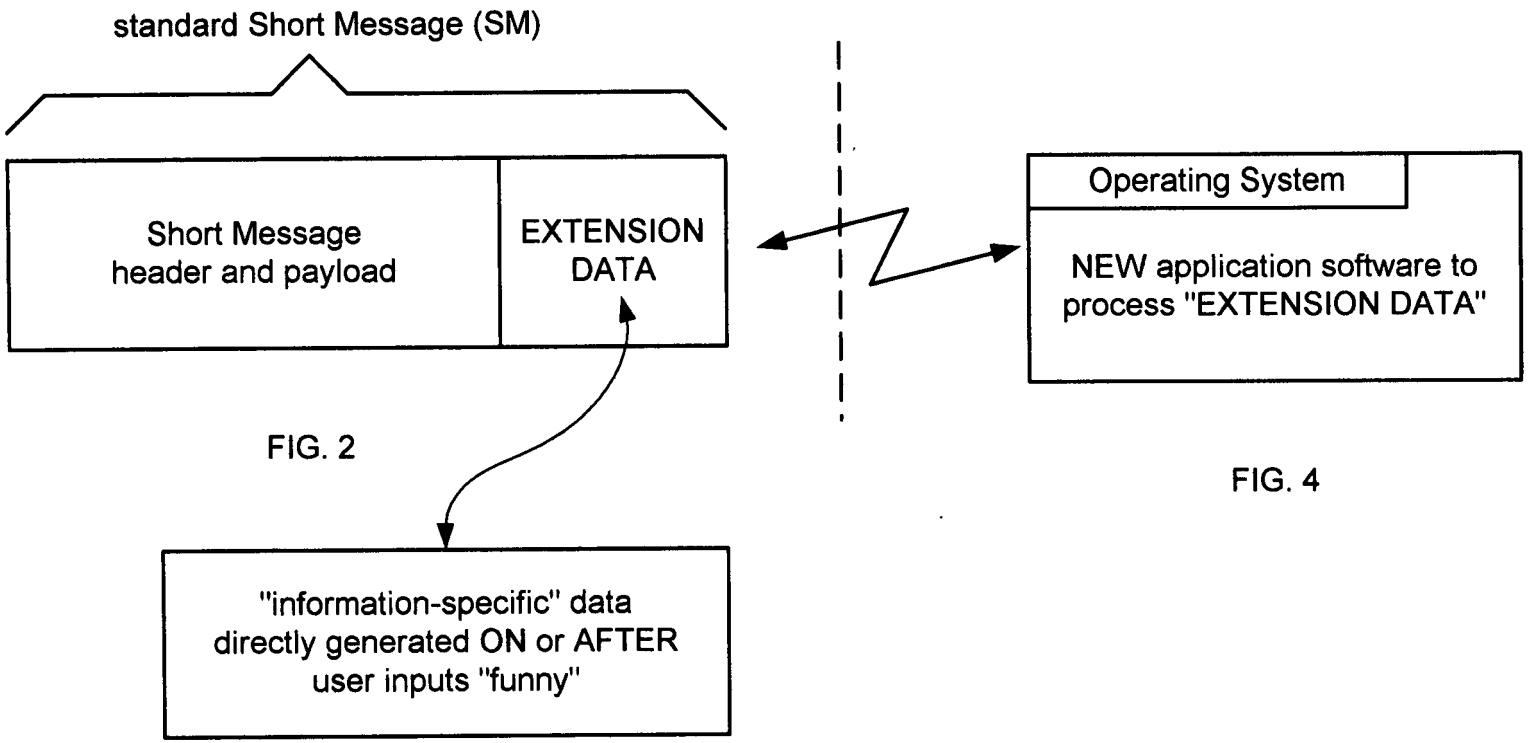

FIG. 2

FIG. 4

FIG. D
(Lehto)

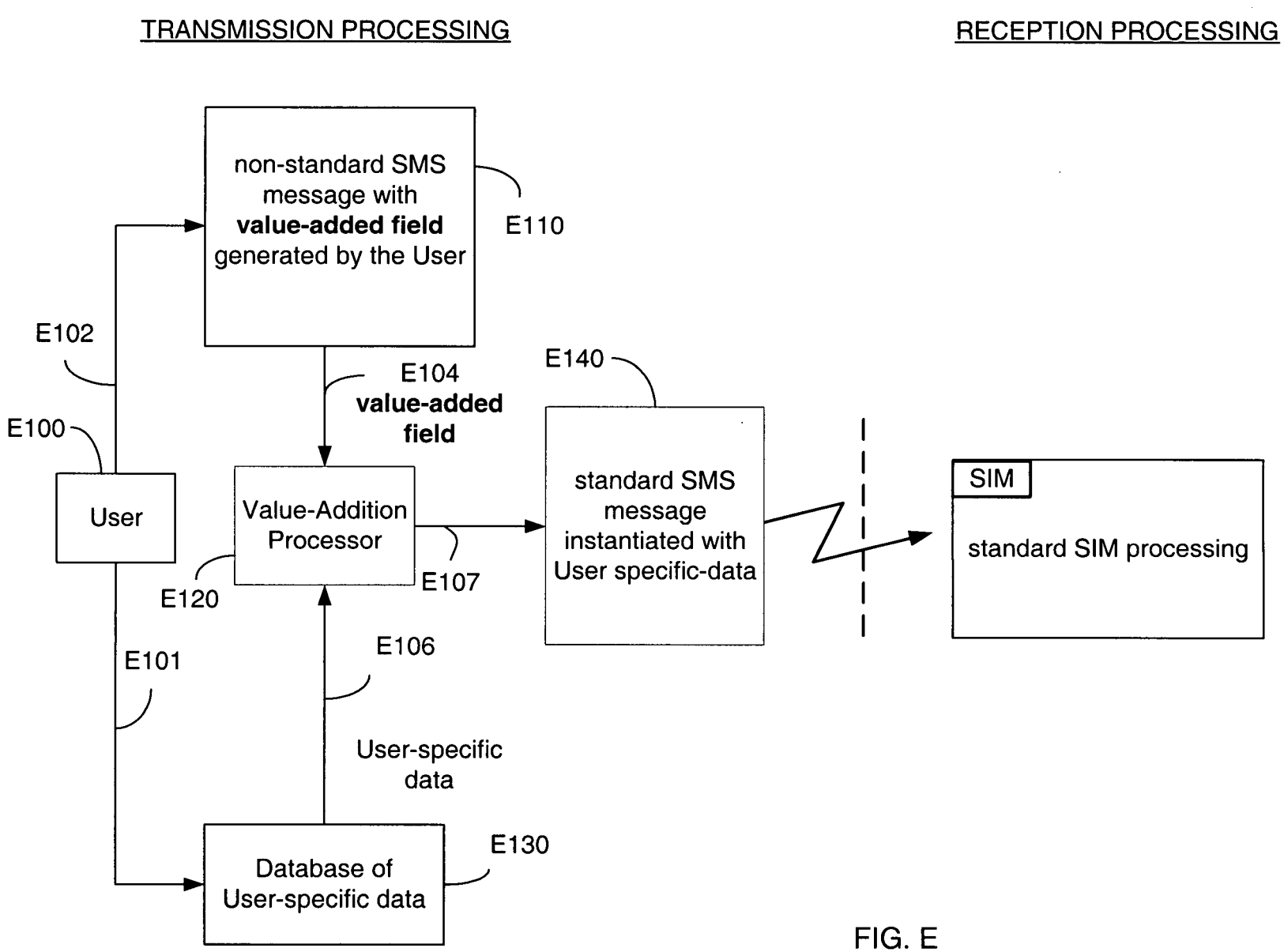

FIG. E
Appellants' Transmission and Reception Processing

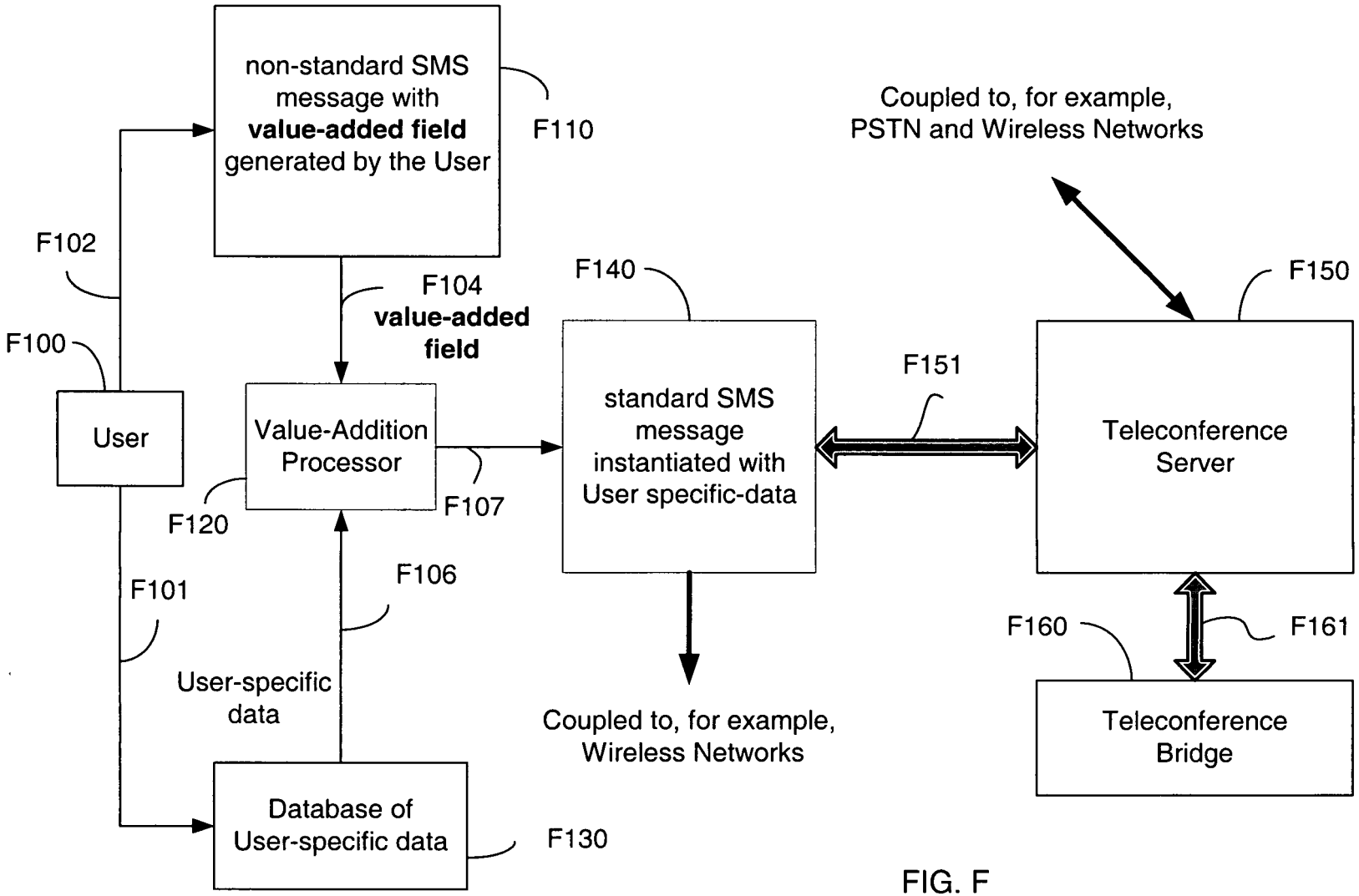

FIG. F
Appellants' Processing for Teleconferencing